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The Referendum on Independence in Bosnia-Herzegovina

February 29-March 1, 1992

A Report Prepared by the Staff of the
Commission on Security and Cooperation in Europe

ABOUT THE ORGANIZATION (OSCE)

The Conference on Security and Cooperation in Europe, also known as the Helsinki process, traces its origin to the signing of the Helsinki Final Act in Finland on August 1, 1975, by the leaders of 33 European countries, the United States and Canada. Since then, its membership has expanded to 55, reflecting the breakup of the Soviet Union, Czechoslovakia, and Yugoslavia. (The Federal Republic of Yugoslavia, Serbia and Montenegro, has been suspended since 1992, leaving the number of countries fully participating at 54.) As of January 1, 1995, the formal name of the Helsinki process was changed to the Organization for Security and Cooperation in Europe (OSCE).

The OSCE is engaged in standard setting in fields including military security, economic and environmental cooperation, and human rights and humanitarian concerns. In addition, it undertakes a variety of preventive diplomacy initiatives designed to prevent, manage and resolve conflict within and among the participating States.

The OSCE has its main office in Vienna, Austria, where weekly meetings of permanent representatives are held. In addition, specialized seminars and meetings are convened in various locations and periodic consultations among Senior Officials, Ministers and Heads of State or Government are held.

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The Commission consists of nine members from the U.S. House of Representatives, nine members from the U.S. Senate, and one member each from the Departments of State, Defense and Commerce. The positions of Chair and Co-Chair are shared by the House and Senate and rotate every two years, when a new Congress convenes. A professional staff assists the Commissioners in their work.

To fulfill its mandate, the Commission gathers and disseminates information on Helsinki-related topics both to the U.S. Congress and the public by convening hearings, issuing reports reflecting the views of the Commission and/or its staff, and providing information about the activities of the Helsinki process and events in OSCE participating States.

At the same time, the Commission contributes its views to the general formulation of U.S. policy on the OSCE and takes part in its execution, including through Member and staff participation on U.S. Delegations to OSCE meetings as well as on certain OSCE bodies. Members of the Commission have regular contact with parliamentarians, government officials, representatives of non-governmental organizations, and private individuals from OSCE participating States.

THE REFERENDUM ON INDEPENDENCE IN BOSNIA-HERZEGOVINA
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PREFACE

This report is based on the findings of staff members of the Commission on Security and Cooperation in Europe—the Helsinki Commission—who visited the Yugoslav Republic of Bosnia-Hercegovina from February 27 to March 2, 1992, to observe the February 29-March 1 referendum on independence in that republic. The Helsinki Commission observed the referendum at the invitation of the Government of Bosnia-Hercegovina, as conveyed in a letter of February 7, 1992, to the Commission's Co-Chairman, Senator Dennis DeConcini, and reiterated in a meeting between the Senator and the President of Bosnia-Hercegovina, Alija Izetbegovic, on February 19, 1992. The Commission observer team had a two-fold task: to help ensure through international observation that the referendum was conducted smoothly, freely, and openly; and to demonstrate the strong interest of the Helsinki Commission in seeing the future of Bosnia-Hercegovina beyond the referendum determined in a peaceful and democratic way.

During the course of the visit, the Commission staff met with political leaders at the republic and local levels who, combined, represent the interests of all three main national groups residing in Bosnia-Hercegovina. Among these leaders were several members of the collective presidency of the republic, the mayors of Banja Luka and Mostar and representatives of various political parties. The Commission staff also held talks with members of the Center for International Observers of the republic's Referendum Committee, as well as with observers from European Community and other concerned countries. In addition, the staff spoke with several private individuals, such as journalists and shopkeepers, asking them their views on the referendum and the future of Bosnia-Hercegovina. On the two days of the referendum, the Commission staff visited many polling stations in and around Sarajevo, Banja Luka, and Mostar, and in several towns and villages in between. As was the case for all foreign observers, the departure of the Commission observers was temporarily blocked by the road barricades which surrounded Sarajevo immediately after the referendum. The situation which existed at that time also led to the cancellation of additional meetings, including one with President Izetbegovic, and a press conference to announce the Commission's preliminary findings.

Other sources used for this report include translations of the Yugoslav press provided by the Foreign Broadcast Information Service, U.S. and European press articles, Radio Free Europe reports, previous Commission reports, and materials provided by the Referendum Committee of the Government of Bosnia-Hercegovina and the U.S. Department of State.

The Commission staff who observed the referendum would like to thank the Center for International Observers of the Referendum Committee of Bosnia-Hercegovina for facilitating the visit, and Portuguese Ambassador Moriera de Andrade, who coordinated the work of observer delegations from the European Community and several other countries. They also thank the American Embassy in Belgrade and the U.S. Department of State for their assistance in organizing the visit and providing invaluable background information on the situation in Bosnia-Hercegovina.

SUMMARY

- Bosnia-Hercegovina, one of six constituent republics of the Yugoslav federation, held a referendum on its sovereignty and independence on February 29-March 1, 1992. The referendum was scheduled in accordance with the European Community's response to Bosnia-Hercegovina's request for international recognition.
- Bosnia-Hercegovina seeks recognition in light of the de facto break up of Yugoslavia, caused primarily by the political chaos which developed in that country and the resulting civil conflict which took place in Slovenia and Croatia beginning in 1991.
- The republic's move toward independence has been enormously complicated by its ethnically diverse population, comprised mainly of Slavic Muslims (43.7 percent), Serbs (31.3 percent) and Croats (17.3 percent), and a lack of genuine historical experience as a sovereign state. Bosnia-Hercegovina's central location in the federation and its importance to Yugoslavia's military establishment have added to the difficulties in achieving independence.
- Prior to the referendum, a tense situation existed which led to isolated incidents of violence in Bosnia-Hercegovina. The neighboring republics of Serbia and Croatia indicated interest in dividing the republic, and ethnic Serbs and Croats in Bosnia-Hercegovina have supported either joining these other republics or dividing their own into three distinct, nationality-based territories.
- A tripartite balance of power, a relatively open media and government leaders who were willing to compromise and seek consensus in order to maintain peace prevented the civil war from spreading to this republic.
- The referendum was conducted in a manner which permitted the citizens of the republic to vote, freely and in secret, whether they were for or against a sovereign and independent Bosnia-Hercegovina. Leaders of the main Serbian political party, however, called for a boycott of the referendum, which was largely heeded by the Serbian population.
- Nevertheless, nearly two-thirds of the eligible voters participated in the referendum, and almost all voted for the republic's independence and sovereignty.
- The immediate post-referendum period was marked by violence, as ethnic Serbian groups barricaded Sarajevo, formed roadblocks elsewhere in the republic, and demanded that the results of the referendum be nullified. After oscillating between confrontation and compromise, the situation has stabilized but remains tense, and the results of the referendum continue to be supported by the republic government in addition to the majority of the population.
- While there have been threats of additional violence if a sovereign and independent Bosnia-Hercegovina is recognized, the international community should respond positively to the results of the referendum, thereby confirming the republic's territorial integrity.
- The future of Bosnia-Hercegovina, however, will be determined primarily by decisions which still need to be made on its internal political structure. Dividing Bosnia-Hercegovina along ethnic lines, a compromise solution which is now being actively pursued, will likely lead to further violence, set back democratic development and possibly lead to the break up of the republic.

BACKGROUND

Geography, Demography and History of Bosnia-Hercegovina. The basis for the existence of present day Bosnia-Hercegovina has been the 1974 Constitution of the Socialist Federal Republic of Yugoslavia, which listed Bosnia-Hercegovina as one of six constituent republics (the others being Serbia,[1] Croatia, Slovenia, Macedonia and Montenegro). The capital of Bosnia-Hercegovina is Sarajevo, a city with more than one-half a million inhabitants. Banja Luka is the second largest city with almost 200,000 inhabitants, followed by Zenica, Tuzla and Mostar.

Geographically, Bosnia-Hercegovina is in the center of the Yugoslavia; surrounded by other Yugoslav republics—and, significantly, primarily by Serbia and Croatia—it is the only one in the original federation that does not border any foreign country. Covering 51,129 square kilometers, it ranks third in size among the republics, after Serbia and Croatia, and is larger than several European states. Almost all of Bosnia-Hercegovina's terrain is mountainous. While the republic has not been politically divided into the two components which comprise its name, Bosnia is roughly the northern two-thirds of the republic, and Hercegovina the southern one-third.

Demographically, Bosnia-Hercegovina is also the third largest republic, after Serbia and Croatia, with a total population of 4.35 million. It has the most diverse population of the republics, with no one nationality comprising a majority. Ethnic Muslims—a South Slavic, Serbo-Croat speaking people of Islamic faith first officially recognized as a distinct nationality in 1969—have a plurality, comprising 43.7 percent of the republic's population, followed by ethnic Serbs with 31.3 percent and Croats with 17.3 percent. Approximately 5.5 percent of the population of Bosnia-Hercegovina consider themselves ethnic Yugoslavs, many coming from a mixed ethnic background. Due to higher birth rates, ethnic Muslims have, over the decades, represented an increasingly higher percentage of the total population.

An important factor in Bosnia-Hercegovina is the distribution of the various nationalities, none of which are neatly confined to any particular area. Of 109 districts (*opstina*), twenty-six have no one nationality in the majority. Generally speaking, Muslims are in the majority in the far northwest corner of the republic, around the cities of Bihac and Prijedor, as well as in the center of the republic and eastward to the border with Serbia.[2] Serbs comprise majorities in many of the northwestern regions (from the northern border with Croatia through the city of Banja Luka to the southern border with Croatia), in the far south (around the city of Trebinje and the border with Montenegro) and in a few areas in the central and northeastern regions of the republic. Croats live predominantly in the region along the southern border with Croatia between the towns of Livno and Neum, as well as in a few central areas and along the northern border with Croatia. With few exceptions, Muslims are the second largest group in districts dominated by the other nationalities.

The diverse population of Bosnia-Hercegovina is a reflection of continuous historical changes. Settled by south-migrating Slavs in the first millennium, the region that is today Bosnia-Hercegovina fell on the European dividing line between the eastern and western Roman empires and then the Frankish empires

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1. Two autonomous provinces, Kosovo and Vojvodina, are within the Serbian republic and had, according to the 1974 Constitution, a federal status as well as considerable political autonomy. In 1990, the Serbian Government revoked the autonomy of these two provinces.

2. The neighboring region of Serbia, known as Sandjak, contains a sizable ethnic Muslim population, as does Montenegro.

and Byzantium. In medieval times, the region was dominated by, or part of, the Byzantine Empire and the Serbian kingdom in the south and east, and briefly by the small Croatian state that was eventually dominated by Hungary to the north and west, hence the large Serbian and Croatian populations today. While Bosnia derives its name from the Bosna river running virtually through the center of the republic, Hercegovina received its name when Hungary formed it as a duchy (*"herceg"* meaning "duke" in Hungarian). In some regions of the current republic, smaller states with varying degrees of independence temporarily formed, especially under Ban Kulin in the late 12th century and the Kotromanic dynasty of the 14th and 15th centuries. Both of the latter were influenced strongly by a religious movement called the Bogomil heresy, which was viewed as a threat and therefore suppressed as much as was possible by both Byzantium and Rome. In 1463, the Ottoman expansion into Europe led to full Turkish domination of both Bosnia and Hercegovina. The Bogomil church faded as much of the local population converted to the Islamic faith of the new overlords. In addition, a number of the Orthodox Serbs from the region, fleeing Ottoman Turk encroachments and encouraged by the Habsburgs, moved northward, some traveling as far as regions which are now part of Croatia.

After approximately four centuries of uninterrupted Ottoman rule, during which Bosnia-Hercegovina occupied borders close to those existing today, the Balkan revolts which marked the steady decline of the Ottomans led to Bosnia-Hercegovina being placed under Austro-Hungarian administration in 1878. In 1908, Bosnia-Hercegovina was annexed by the Austro-Hungarian Empire, an act which fueled local nationalist resistance encouraged by Serbia, which hoped to gain control of the region. This resistance eventually led to the June 1914 assassination of the Habsburg Archduke Franz Ferdinand and his wife in Sarajevo by Gavrilo Princip, a member of the secret "Young Bosnia" organization, setting off the chain of events which quickly led to World War I.

Following the war and the consequent fall of the Ottoman and Austro-Hungarian empires, Bosnia-Hercegovina, along with other South Slav regions, united with Serbia to create the Kingdom of Serbs, Croats and Slovenes in 1918, renamed Yugoslavia in 1929. During World War II, Bosnia-Hercegovina was made part of the independent and fascist Croatian state and was the scene of considerable internecine warfare until the communist Partisans, under the leadership of Josip Broz Tito, liberated the country from foreign occupation.

In 1946, Bosnia-Hercegovina was made a constituent republic of the new, communist controlled Yugoslav federation. This federation, while under strict one-party rule, was theoretically based on equality of the republics. The legacy of this arrangement and other aspect of Tito's rule are subject to considerable controversy. On the one hand, many individual rights were denied and thousands persecuted, although Yugoslav communism took a reformist path that allowed greater openness in society than existed in any other communist state at the time. One the other, while some of the Yugoslav peoples felt frustrated in a federation that denied them their desired autonomy, political development, territorial claims or score-settling opportunities, for the same reasons some in Yugoslavia and especially those previously dominated by others—Muslims, Macedonians and Albanians—found a greater degree of recognition and collective freedom than ever before. Because of its safe, central location in a non-aligned country bordering both NATO and Warsaw Pact members, Bosnia-Hercegovina underwent considerable industrialization under Tito and the decade of post-Tito communist rule, and was marked by relatively hard-line and corrupt political leadership. In 1984, however, Sarajevo benefited significantly by the economic activity and international presence which came with hosting the Winter Olympics.

1990-1991: Years of Political Transformation, Crisis and Conflict. Following Tito's death in 1980, political power further devolved to the six republics and two provinces in a way that ensured that none, at least in theory, would be able to dominate any of the others. Nevertheless, repressed animosities and mistrust crept to the political foreground in disputes over the country's future, with a parallel resurgence in nationalism, ethnic strife and separatist sentiment. This trend was accentuated by Yugoslavia's poor economic performance in the late 1980s, marked by severe hyperinflation, a large foreign debt, unemployment and declining living standards, as well as by considerable differentiation among the republics in their economic development. By the time that the wave of democratic revolution shook East-Central Europe in 1989, the republics were sufficiently strong to undermine the reform efforts of the federal government under Prime Minister Ante Markovic. Consequently, any further political and economic reforms were to take place at the republic level. Slovenia and Croatia held multi-party elections in April 1990, followed by Macedonia and Bosnia-Hercegovina in November and by Serbia and Montenegro in December of that year.

In Bosnia-Hercegovina, concern over balancing the republic's three main nationalities complicated the election process. The election law itself reflected this fact, apportioning by nationality the seats on the collective Presidency (two Muslims, two Serbs, two Croats and one from the remaining ethnic groups), and requiring the bicameral Assembly's election results to reflect ethnically, within 15 percentage points, the population as a whole. All candidates on the ballot were therefore listed according to ethnic identity in addition to party affiliation. Three main nationality-based parties played upon the sentiments of the groups they represented while uniting in their opposition to efforts by the republic's communist leaders first to block the formation of such parties and then to deny them permission to monitor the election proceedings. Reflecting the increased national identity and anti-communist sentiment of the population, these three parties won easily in the Assembly and took all seven Presidency seats. Alija Izetbegovic, a former political prisoner and head of the primarily Muslim Party of Democratic Action (PDA), was chosen as President of the Presidency, while Jure Pelivan of the Croatian Democratic Union (HDZ in Serbo-Croatian) was chosen as the Premier to head the republic's government and Momcilo Krajisnik of the Serbian Democratic Party (SDS in Serbo-Croatian) became head of the Assembly. During the course of the elections, observed by the Helsinki Commission staff, there were considerable problems throughout the republic, such as localized inter-ethnic confrontations during the campaign period and inaccurate voter registration lists at polling stations on election day. Nevertheless, the results were considered legitimate, and the campaigning by the various parties was probably the most active and open of any of the Yugoslav republics.

Meanwhile, developments in the other Yugoslav republics propelled the country into a period of continuous crisis. Despite differing degrees to which these elections were free and fair, in 1991 the political leaders of the republics, Each equipped with governments formed on the basis of multi-party elections began talks together with federal authorities to determine the country's future. These talks continued throughout the first half of the year. Slovenia and Croatia, both with non-communist and, at least in the case of the latter, highly nationalist governments were complaining of an overly centralized federation dominated by Serbia, and therefore sought to turn the federation into, at most, a loose association. Slovenia, in fact, had already held a referendum on December 23, 1990, in which 88 percent of the votes cast supported the republic becoming a sovereign and independent state. Croatia followed with a referendum of its own on May 19, 1991, in which 92 percent of those participating supported the sovereignty and independence of their republic. However, leaders of ethnic Serbs who comprise 12 percent of Croatia's population—especially those in the region of Krajina, centered in the city of Knin—had been openly opposing if not rebelling against the republic's movement away from a centralized Yugoslavia since the summer of 1990.

Recalling atrocities against Serbs in Croatia during World War II and pointing to the clear insensitivity to their concerns and what they viewed as threatening, discriminatory actions by the new Croatian Government, they boycotted the official referendum, and held one of their own in order to become a self-proclaimed autonomous region, break from Croatia and remain in a Yugoslav state.

The Serbs in Croatia were supported and encouraged by the communist-renamed-socialist Government of Serbia, led by President Slobodan Milosevic. Supported by Montenegro and controlling the federal representation of both Kosovo and Vojvodina (stripped, in effect, of their political autonomy), Serbia opposed Yugoslavia's break-up and vowed to keep Yugoslavia's Serbian population, 25 percent of which lives outside of Serbia itself, in a united state. Due to growing Serbian influence and a coincidence of interests, much of the federal apparatus—and especially the Yugoslav military—supported Serbian positions. Tensions were high enough by March 1991 that a U.S. Congressional delegation to Yugoslavia led by Helsinki Commission Co-Chairman DeConcini noted "fears of either armed ethnic conflict or a military effort to maintain the unity of Yugoslavia by force." The delegation opposed such actions because they would "be neither just nor lasting, and would almost certainly lead Yugoslavia into civil war."[3]

The republics of Bosnia-Hercegovina and Macedonia were similarly caught between the polarized positions that were causing sporadic violence in the first half of 1991. Both republics wanted to keep Yugoslavia together for essentially the same reasons Slovenia and Croatia were moving to exit from the federation. With no real historical experience as independent states and extreme diversity in ethnic composition, both wanted a "genuine" Yugoslav federation that protected their identity and integrity. They therefore opposed Slovenian and Croatian separation from Yugoslavia as well as Serbian domination of Yugoslav affairs. Indeed, in June 1991, the leaders of the two republics had proposed a new basis for maintaining the Yugoslav state, albeit in a much looser form.

Acting upon the support expressed in their respective referenda, Slovenia and Croatia broke from the federation on June 25, 1991, sparking a civil conflict that doomed the preservation of Yugoslavia. Yugoslav military efforts to thwart Slovenia's independence move quickly bogged down in the face of Slovenian resistance, and with little interest from Belgrade in fighting to keep this small and homogeneously populated northern republic, an agreement brokered and then monitored by the European Community (EC) observers was achieved in July. The fighting in Croatia, on the other hand, erupted with greater fierceness and was extremely difficult to stop. By the time an effective ceasefire was brokered by United Nations special envoy Cyrus Vance in early January 1992, following 14 EC attempts, thousands had died and thousands more were wounded. The number of refugees and displaced persons stood as high as 700,000, and Croatia suffered enormous physical destruction. Human rights abuses were committed to varying degrees by all sides during the course of the inter-ethnic conflict.[4]

The civil conflict, and unsuccessful attempts by an EC peace conference—held first in The Hague and then in Brussels and chaired by former British Foreign Secretary and Secretary General of NATO, Lord Carrington—to establish peace through a political solution, left Yugoslavia in a position of increasing

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3. Report of the U.S. Helsinki Commission Delegation Visit to Hungary, Yugoslavia, and Albania (CODEL DeConcini), March 22-28, 1991.

4. See U.S. Helsinki Watch reports on Serbian Government/Yugoslav Military and on Croatian Government human rights abuses, January 23 and February 13, 1992, respectively.

disintegration. Looking for its own survival as a distinct political entity Macedonia held a referendum on September 8, 1991, in which 98 percent of the population voting declared their support for the republic's independence and sovereignty. Its Albanian population, however, boycotted the official referendum and held one of its own on establishing political autonomy for the minority, which comprises between 20 and 40 percent of the republic's population. A referendum-mania ensued in Yugoslavia, in which several other groups, including the Albanians of Kosovo and the Muslims of Sandjak and the Serbs of Bosnia-Hercegovina, in addition to the Serbs in Croatia and the Albanians in Macedonia, expressed their views on their respective political status and independence. In fact, in Bosnia-Hercegovina the SDS had already declared the existence of four Serbian autonomous regions—Bosanska Krajina, Northeastern Bosnia, Romanija, and Eastern and Old Hercegovina—which were claimed to be ready to separate from the republic if necessary to remain in a state with Serbia.

Bosnia-Hercegovina, however, did not hold a referendum on its own sovereignty and independence. Instead, the Assembly adopted a memorandum which, falling just short of declaring independence, supported the republic's sovereignty and neutrality in the conflict waging around it. Assembly president Krajisnik of the SDS, however, adjourned the Assembly without approval prior to the vote, and the adoption of the memorandum, with the support of the PDA, HDZ and five center and left-wing parties, was declared illegal by the SDS on grounds that it broke a December 1990 agreement between the three ruling nationality-based parties only to proceed with legislation on the basis of a consensus among them. PDA and HDZ leaders, on the other hand, claimed that the action was in line with the republic's constitution and also necessary in light of the developments at the EC-sponsored peace conference in The Hague. Clearly, as Yugoslavia was breaking up, Bosnia-Hercegovina was straddling a neutral fence which divided two unwanted futures: remaining united but in a Serb-dominated Yugoslav state on the one hand, and, on the other, falling apart along with Yugoslavia as a result of moving too quickly toward its own independence.

In November 1991, following the adoption of the memorandum, the SDS in Bosnia-Hercegovina organized its own referendum on remaining in a "common Yugoslav state," in which a substantial number of Serbs did participate and voted favorably. On January 9, 1992, the self-proclaimed Assembly of the Serbian people in Bosnia-Hercegovina met and, claiming that it was entitled to control 60 percent of the republic's territory, threatened to establish its own police force and government institutions if Bosnia-Hercegovina were to achieve international recognition. SDS leader Radovan Karadzic was quoted as saying that "Bosnia-Hercegovina is no longer united because Yugoslavia is no longer united."[(5)] Clearly, sharper and sharper lines were being drawn among parties within the republic.

International Recognition of the Republics. Almost as soon as the Yugoslav crisis had turned into a conflict, calls were made for recognition of those republics proclaiming their independence. Support in Germany for recognition of Slovenia and Croatia was particularly strong and clearly reflected in the positions of the German Government. For the most part, however, international efforts, and especially those of the EC, sought to be impartial and, with Serbia, Montenegro and remaining federal authorities opposing efforts to leave the federation, focused instead on the primary goal of establishing a peace agreement between the disputing sides.

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5. "Bosnia-Hercegovina Serbs Secede," *Washington Times*, January 10, 1992.

As peace efforts failed and the Yugoslav military and Serbian Government were viewed as most responsible for the continuation of the conflict, pressure for international recognition nevertheless increased. The EC, leading the international effort but under heavy pressure from Germany, decided at the level of foreign ministers in December 1991 that:

> The European Community and its member States agree to recognize the independence of all the Yugoslav Republics fulfilling all the conditions set out below. The implementation of this decision will take place on January 15, 1992... They are therefore inviting all Yugoslav Republics to state by 23 December whether:
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> - they wish to be recognized as independent States;
> - they accept the commitments contained in the [Guidelines on the Recognition of New States in Eastern Europe and the Soviet Union (relating to U.N. Charter and CSCE human rights commitments, guarantees for rights for national groups and minorities, respect for the inviolability of frontiers, accepting commitments regarding disarmament and nuclear proliferation, and agreement to settle state succession and regional disputes by agreement)];
> - they accept the provisions laid down in the draft Convention—especially those in Chapter II on human rights and rights of national or ethnic groups—under consideration by the Conference on Yugoslavia; and
> - they continue to support the efforts of the Secretary General and the Security Council of the United Nations, and the continuation of the Conference on Yugoslavia.

Of the republics, Bosnia-Hercegovina, Croatia, Macedonia and Slovenia all submitted applications. Serbia and Montenegro, claiming to represent Yugoslavia, did not request recognition. Serbian leaders of Kninska Krajina and Albanian leaders of Kosovo requested EC recognition, but they were not considered eligible. Only the first four, recognized as republics, were examined by an EC Arbitration Commission which provided advise to the EC foreign ministers prior to the January 15, 1992, deadline.

The results of the Arbitration Commission, chaired by leading French jurist Robert Badinter, concluded that only Macedonia and Slovenia had met the EC conditions for recognition. Croatia was viewed as falling short in terms of respecting minority rights. Bosnia-Hercegovina, on the other hand, was viewed as meeting most requirements, including those relating to international obligations and respect for human rights, but nevertheless falling short because "the expression of the will of the inhabitants of Bosnia and Hercegovina for constituting the Socialist Republic of Bosnia-Hercegovina as a sovereign and independent state cannot be considered as fully founded... This evaluation could be changed if the Republic which had formulated the request for acknowledgement of sovereignty provided guarantees and organized a referendum in which all citizens of the Socialist Republic of Bosnia-Hercegovina would participate and which would be conducted under international supervision."

The January 15 decisions of the European Community members, however, did not fully reflect the Arbitration Commission's views. Slovenia was recognized and Bosnia-Hercegovina was not, but Croatia received recognition in light of strong German support and new assurances by Croatian President Franjo Tudjman that minority rights would be respected. Recognition of Macedonia, meanwhile, was blocked by Greece on grounds that the very use of the name "Macedonia," which is also the name of a region within Greece, constituted territorial ambitions by this small Yugoslav republic on another country.

Other countries, especially in Europe but not the United States, followed the EC lead and recognized both Croatia and Slovenia. Bulgaria, and later Turkey, took the additional steps, however, of recognizing Bosnia-Hercegovina and Macedonia. In the Conference on Security and Cooperation in Europe (CSCE), which met at the level of foreign ministers at the end of January 1992, the four republics requested full membership, but in light of opposition from the Yugoslav and some other delegations to at least some if not all of these requests, consensus agreement was only reached to allow Croatia and Slovenia to attend CSCE meetings as observers.

In light of the ongoing conflict, it was generally acknowledged that too much damage had been done to keep Yugoslavia together, and recognition of the individual republics was therefore viewed as necessary even by some who originally thought it undesirable. This was especially true after the European Community decided to adjust its policy of economic sanctions from a comprehensive to a republic-by-republic approach that would target the more belligerent parties.

At the same time, the EC decision to move forward with recognition but then to do so selectively by according it only to the two northern and historically western republics was destabilizing to those it left behind—Bosnia-Hercegovina in particular. This was apparent in press coverage of Yugoslavia on the very day that Croatia and Slovenia were recognized—January 15, 1992—which indicated that "secret" talks were taking place between Serbia and Croatia, along with ethnic Serbian leaders from Bosnia-Hercegovina, to divide Bosnia-Hercegovina between them as a way of resolving their own differences. Moreover, the call for a referendum in Bosnia-Hercegovina accentuated inter-ethnic differences within the republic.

THE REFERENDUM

Organization of the Referendum. In response to the decision taken by the European Community, the Presidency of Bosnia-Hercegovina requested, and a necessary one-fifth of Assembly members agreed, that the republic's Assembly take the necessary measures to organize a referendum. The Serbian Democratic Party delegates left the session in protest, but the Assembly nevertheless decided on January 25 to hold the referendum on Saturday, February 29, and Sunday, March 1, at which time eligible voters in Bosnia-Hercegovina would be asked to declare themselves—"for" or "against"—the following question:

Are you for a sovereign and independent Bosnia and Hercegovina, a state of equal citizens, the peoples of Bosnia and Hercegovina—Muslims, Serbs, Croats, and members of other nations—living in it?

The Assembly tasked the republic's government to implement this decision. Thus, on February 3 a 15-member Organizing Committee for the Preparation of the Republic Referendum was formed with Premier Jure Pelivan as its head and consisting of the Deputy Premier, members of the Government, Presidency and Assembly of Bosnia-Hercegovina, as well as from the republic's Institute for Public Administration. Within the Organizing Committee, an International Press Center, a Center for Cooperation with International Observers, a Center for Promotion Activities, and a Translation Bureau were also established to deal with specific aspects of holding the referendum. The Republic Election Commission and its subordinate bodies on the district and local levels, on the other hand, were directed to prepare the ballots, organize polling committees, provide ballot boxes and other polling station necessities, work with district and local administration officials in obtaining and updating the voter registration list, and collect and count the results.

Boycotts. The Serbian Democratic Party, led by Radovan Karadzic, opposed the referendum and declared it illegal since it was not approved by the full Assembly and did not have the support of all three main nationalities. The SDS therefore called upon the republic's Serbian population to boycott the referendum. This call led to problems particularly in Serb-inhabited areas where local administration and election officials charged with various responsibilities in carrying out the referendum refused to cooperate. At the same time, Karadzic called upon SDS members not to disrupt the referendum proceedings. However, in a few locations, such as local communities in the Kotor Varos district, efforts were taken to prohibit the referendum from being held, and in Banja Luka groups took to the streets on the eve of the referendum singing Serbian nationalist songs and tearing down posters which supported the referendum and signs that indicated directions to polling stations.

Two reasons have been given for the SDS boycott, both of them stemming from opposition by Serbian leaders in Bosnia-Hercegovina as well as in Belgrade to Bosnia-Hercegovina breaking away from Serbia. Some alleged that the boycott resulted from concern that Serbs residing in Bosnia-Hercegovina might actually disagree with their leaders and support the republic's move toward independence. Once in a voting booth, this argument contends, there would be no control over the ethnic Serbian voter, but by boycotting the referendum the SDS could observe who went to polling stations and could therefore intimidate or punish any Serbs who did.

SDS representatives denied that this was the cause of their boycott. Instead, they argued that the referendum itself was illegal and illegitimate since their leaders in the Assembly had not voiced their support, as is necessary according to the agreement to proceed on the basis of consensus among the nationality-based parties. Assuming that Muslims and Croats would vote for independence, they argued, the result would be a majority even if all Serbs voted against independence, yet their participation would indicate an acquiescence to this outcome, which was, in fact, unacceptable to them. SDS representatives also pointed to the fact that their party leaders organized their own referendum in November 1991 in which the Serbian people of Bosnia-Hercegovina had already and overwhelmingly expressed their desire to remain in a Yugoslav state. One SDS official also claimed referenda were not legal in deciding constitutional issues.

The SDS explanation of the boycott is consistent and understandable if based on the argument that the future of Bosnia-Hercegovina should be determined not by the will of the majority but by a mutual agreement among the nationalities exercising their equal right to self-determination. At the same time, this reasoning is much more damaging to the legitimacy of the earlier Serbian referendum. If accepted, it also means that individuals of one nationality may, in effect, block other nationalities from deciding their own future and potentially even the nationality they claim to represent, although in the latter case SDS members in the Assembly and Presidency were chosen in multi-party elections.

Moreover, the denial of intent to intimidate voters must be questioned in light of the selective circulation of inflammatory leaflets against the referendum and the placement of adds in newspapers such as *Glas* in Banja Luka calling Serbs who would participate "traitors." In addition, even if the intent was not to intimidate voters, the call for a boycott nevertheless would obviously have that effect in such a tense environment. Indeed, in some localities it could have discouraged many non-Serbs from going to polling stations to vote and in many instances made it more difficult for them to do so. For example, in cases where polling stations were not opened in a certain village, not only ethnic Serbs but Muslims and Croats as well would have to travel elsewhere to cast their ballot. Thus, if the European Community decision to call for a

referendum in Bosnia-Hercegovina is viewed as correct in the first place, then it follows that the SDS boycott under such circumstances as existed in Bosnia-Hercegovina must be considered a serious, negative development and an obstacle to the democratic expression of the will of the people.

Election Commissions and Polling Committees. Below the Republic Election Committee, the apparatus for carrying out the referendum was structured according to the administrative divisions and sub-divisions of the republic. In total, for example, there are 109 districts in Bosnia-Hercegovina, each with their own election commission. The 109 districts were grouped into seven larger regional units for the sake of coordination with the central commission in Sarajevo. The districts were responsible for setting up about 5,000 polling stations throughout the republic, each managed by a committee of local individuals.

In light of the SDS boycott call, some district commissions were not cooperative in preparing for the referendum, and in some cases, individuals refused to participate on polling committees. According to the Republic Election Commission, entirely new commissions had to be established in 21 districts. In three districts, new commission presidents or secretaries had to be chosen, and in 11 others new members had to be chosen. Similar problems existed for many of the polling committees, requiring the selection of new members or entirely new committees for some stations. In 26 districts, including many of those where officials declined to participate, there was also a refusal to release the seal of the district election commission, requiring arrangements for a republic seal to be used instead.

In some cases, this problem went beyond membership on polling committees to the actual location of polling stations, with some districts reporting problems in getting permission from local authorities to use public buildings. In some localities, it was reported, even stations in private homes or building were difficult to set up in light of threats to their safety. In Doboj, SDS officials requested that polling stations not be opened in exclusively Serbian-inhabited areas, and a local official prohibited use of primary schools for polling stations. The head of the executive council of the district of Bosansko Grahovo was reported as saying that no polling station was to be permitted in the entire district, and that no guarantee could be made for the lives of those seeking to implement the referendum. In many areas, polling stations were folded together into one location when separate locations were made impossible.

VOTERS

To pass, first a majority of eligible voters had to participate in the referendum and, second, a majority of those participating had to vote "for" the question. Eligible voters were considered to be those 18 years of age or older who had established permanent residency on the territory of Bosnia-Hercegovina. As such, they had to be registered on the voters lists kept by local executive authorities. Persons from Bosnia-Hercegovina serving in the military, along with those from the republic serving as guest workers abroad, were both considered among the eligible voters and were registered on separate lists. In total, it was determined that there were 3.15 million persons eligible to vote in the referendum, out of a total population for the republic of 4.35 million.

Voter registration lists were made public for inspection and updating until the eve of the referendum. If, during the course of the referendum, a prospective voter found that they were not on the list, they could apply for certification of residency to local authorities, who were instructed to be open while polling

stations were open during the February 29-March 1 polling. Upon returning to the proper polling station to vote with a certificate, their names would be added to the list of eligible voters. The ethnic identity of the voters were not recorded on the registration lists.

In some districts where local authorities supported the SDS boycott, difficulties were encountered in obtaining the release of the voter registration lists. In some cases, lists were released only after the names of those known to be ethnic Serbs were removed. In Pale, a town not far from Sarajevo, for example, the district election commission, upon requesting voters lists, stated that the local executive council responded that "the referendum on the determination of the status of Bosnia-Hercegovina is an unconstitutional act which is against the law and by which the Serbian people would be put into the position of a national minority. For this reason these social-political communities and the Serbian people will not participate in any way in the referendum, neither will the lists of voters be provided for reference." The authorities in Laktasi provided lists but without ethnic Serbs on them, maintaining that "they have already voted in the plebiscite of Serbian people, and that this now is an organized plebiscite of the remaining two peoples." In some regions, it should be pointed out, ethnic Serb officials supported the boycott generally but did not block administrative offices from responding to requests from district election commission officials. In some instances, problems were encountered in obtaining information from the military on soldiers eligible to vote.

Foreign Observation. In line with the EC Arbitration Commission recommendation, foreign delegations were invited by Premier Pelivan or, in the case of some parliaments, the foreign relations commission of the Assembly of Bosnia-Hercegovina, to observe the conduct of the referendum. Included among those formally invited was the Helsinki Commission, which sent two members of its staff as observers. Two officers from the American Embassy in Belgrade added to the U.S. contingent. Diplomats and parliamentarians from Austria, Bulgaria, Canada, Croatia, Czechoslovakia, the European Parliament, France, Germany, Norway, Portugal, Russia, Switzerland and Turkey also participated in the foreign observation.

In light of the European Community's leading role in the international response to the Yugoslav crisis, Ambassador Moriera de Andrade of Portugal, which currently holds the EC Presidency, coordinated the efforts of the observer teams to ensure that the republic was covered as thoroughly as possible.

To facilitate the work of the foreign observers, a Center was established within the Organizing Committee for Preparation of the Referendum which provided observer badges and letters to provide access to polling stations, election commission offices and other places related to the referendum. The Center also provided an abundance of written materials on the referendum translated into English. The Center established 16 regional centers to assist the foreign observer teams outside of Sarajevo.

Many foreign observer teams travelled together with security escort to ensure their safety. While this was considered a prudent course in light of the tensions in the republic, it did limit somewhat the mobility of the observers and the surprise element in checking the work of specific polling stations. Also, as part of a larger effort, these groups generally remained in the same designated region during the entire course of the referendum, and while no intent to control what the foreign observers saw or heard was blatantly evident, the presence of local officials escorting foreign observers could have limited chances for observers to discuss particular problems with polling committee members. Nevertheless, travelling as larger groups was only an option for the observers themselves to choose, and some teams, such as that from the Helsinki Commission, generally travelled on their own.

Promotional Efforts. The Center for Promotion Activities of the Organizing Committee was created to enhance public awareness of the referendum. Among its activities were the printing of thousands of posters and working with cultural institutions and the media in focusing public attention on the republic's history and character. As was the case in Bosnia-Hercegovina relative to the other Yugoslav republics during the 1990 election period, these promotional activities, especially posters, were very much in evidence.

Promotional activities, however, were geared not so much toward encouraging people simply to vote, as to vote "for" the republic's independence. Most campaign posters and advertisement signs indicated support "for independence," "for sovereignty," "for openness," and "for unity." Nowhere could promotional efforts be found which indicated that the importance of the referendum was not the result, but the participation and free choice. In other words, the official promotion activities did little to encourage the participation of those who may have had no problem in principle with the holding of the referendum but were against the republic's move toward independence.

Such an approach to the referendum is not unique to Bosnia-Hercegovina, and there was no indication of an intent on the part of government officials to intimidate eligible voters or to punish them for choosing not to participate in the referendum. In the plethora of independence referenda held throughout the Yugoslav republics and portions of the republics, it was not uncommon to find that those who favored independence all participated while those who opposed independence boycotted and, in some cases, held their own referendum. The inverse was true when the question was on remaining united in the larger state, as it was in the Montenegrin referendum held the same weekend as the one in Bosnia-Hercegovina. The approach seems, in fact, to be shared by the voters themselves—few if any referenda are held in which the results are not 90 percent or more support for the question put to the voters, since those against the question simply did not vote. Thus, the choice made by the voters is indicated as much by their participation as by what they circled on the ballot. This approach can be faulted in that the participation of a voter is a visible act that can be seen by others, the government and other political forces alike, while the choice made on the ballot is done under conditions of secrecy. This may be indicative of the lack of democratic development in these societies. At the same time, it would be wrong to draw too close a comparison between this approach and that taken in democratic countries such as in western Europe or the United States, where the results of referenda rarely hold much potential for causing the disintegration of a country and civil war.

The Pre-Referendum Political Landscape. The referendum in Bosnia-Hercegovina was held in what was obviously a tense atmosphere in light of the civil conflict which had been taking place on its borders and the divisions among the national groups within the republic which were accentuated as a result. From the beginning of the fighting in Croatia, many felt that it was only a matter of time until it spread into Bosnia-Hercegovina, where it would be virtually impossible to stop, despite the declared neutrality of the government in Sarajevo. Throughout the republic during the course of the referendum period, both the republic militia (police) and in some cases the federal military were very much in evidence, especially at bridge crossings and road intersections, often with sandbags stacked for protection in case of shooting.

The political landscape in Bosnia-Hercegovina, however, has been significantly different from that in both Croatia and Serbia in ways important to the maintenance of peace in the republic. For example, while there is the perception that Muslims, holding a plurality of the population, have the most influence on the republic's affairs, no one group dominates the republic and the other groups. To the extent this takes place

at all in Bosnia-Hercegovina, it is regionalized, such as predominately Serbian control of the Banja Luka area with a 55 percent Serbian majority, or Croatian control of western Hercegovinian districts, some of which have 90 percent or higher Croatian majorities. At the republic level, differences between political leaders representing national interests can be great, but they have by and large been tackled by the same efforts at consensus and compromise which have generally characterized the political history of Bosnia-Hercegovina. Moreover, there has been a tendency among the republic's leadership to ignore provocations by, and avoid confrontations with, more radical elements among the main national groups and the Yugoslav military that could lead to civil conflict. In the republic's society as a whole, there is a greater tendency toward tolerance and integration among all nationalities than exists in other Yugoslav republics.

Another important characteristic of the political landscape of Bosnia-Hercegovina has been the existence of a relatively free press, represented especially by Radio-Television Sarajevo and the Sarajevo daily *Oslobodjenje*. The media in the republic has resisted pressures to succumb to the influences of the nationality-based parties and to reflect their interests. Some complaints have been made that the media is, in fact, influenced by the government and especially the Muslim Party of Democratic Action, but it appears that this is primarily a result of the relative coincidence of views on the future of Bosnia-Hercegovina between the media and PDA leaders and not overt pressure for media conformity. Some local media, however, may be under greater influence of parties and governments than are the broader, republic-wide media organizations.

This relative tolerance and openness which characterizes the political landscape may be deceptive, however, and the shock and disbelief of many in both Serbia and Croatia caused by the nationalist cleavages which have developed in their societies serve as a note of caution in examining the situation in Bosnia-Hercegovina. Indeed, as has been pointed out by representatives of the former League of Communists of Bosnia-Hercegovina, now a reformed member of the opposition renamed the Social Democratic Party (SDP), the very existence of nationality-based parties holding a majority of political power is indicative of ethnic division in Bosnia-Hercegovina. One SDP leader characterized his party's loss of political power as "the best thing that could have happened" in that it was able therefore to develop a more democratic political platform. He also criticized the nationality-based parties for positions—such as seeking to control the media, playing on nationalist sentiments, and not undertaking sufficient political and economic reform—that have created chaos and could lead to civil conflict in the republic. He expressed hope that, for the next elections, the more open and tolerant aspects of society would produce results favoring a non-ethnic outlook at the expense of parties based on national identity.

An indication of the growing divisions in the society of Bosnia-Hercegovina were the numerous violent incidents which took place leading up to the referendum. Roadblocks set up primarily by armed Serbian groups, for example, had already become a frequent, though not widespread, occurrence well before the referendum. On the eve of the referendum, an incident took place at a roadblock near Travnik, close to Zenica between Sarajevo and Banja Luka. There, two occupants of an automobile were shot and one killed by Serbian irregulars when the driver attempted to proceed through the roadblock.

There were also reports of bombings, such as that of a building used by a Croatian cultural group in the northern town of Odzak on February 24, injuring 12 people. A local HDZ official said two previous incidents in the area destroyed a gas station and a weekend home owned by Croats. On February 27, a

bomb exploded at the 450-year old mosque in Banja Luka, although damage was relatively minor. An anti-fascist monument was said to have been destroyed in Stolac to the south. Some of these incidents apparently were motivated by a desire on the part of the unknown culprits to retaliate for earlier bombings.

Some isolated instances of violence had also taken place in Bosnia-Hercegovina involving the military, especially around the city of Mostar, where the federal military has a considerable presence. While professional military units generally caused few problems, undisciplined reservist units would often harass and even attack local villages. A somewhat similar situation existed to the north in Banja Luka. In addition, the Yugoslav defense establishment has a considerable stake in Bosnia-Hercegovina, home to a substantial portion of Yugoslavia's defense industries, and vowed to keep the republic in Yugoslavia.

To the extent that Bosnia-Hercegovina was next on the list of Yugoslav republics to witness open, internecine conflict, the ability of United Nations envoy Cyrus Vance to achieve an effective ceasefire in January 1992 was a welcomed relief. At the same time, republic officials expressed anxiety over the fact that the agreement on peacekeeping forces did not include deployments in Bosnia-Hercegovina. Instead, the U.N. plan allowed only for observers to be deployed in critical areas, although direction of the Croatian deployments is to be based in Sarajevo with logistical support in Banja Luka. Some press reports indicated that the decision not to deploy forces in Bosnia-Hercegovina was a compromise designed to encourage Serbian President Milosevic to agree to the plan.[6]

Concerns over plans external players may have had for Bosnia-Hercegovina were heightened by reports in January of secret Zagreb-Belgrade talks, which included Serbian representatives from Sarajevo, over dividing the republic. Both Serbian and Croatian leaderships were being criticized by extremists at home for failing to accomplish their respective objectives in their conflict with each other. The prospect for dividing Bosnia-Hercegovina was seen as a way to regain their nationalist support.[7] These reports led to appeals to Serbia and Croatia not to interfere in Bosnia-Hercegovina's internal affairs. For example, on January 17, 1992, Helsinki Commission Chairman Steny Hoyer and Co-Chairman Dennis DeConcini issued a joint statement saying that "outside attempts to destabilize and then divide that republic would represent major violations of the Helsinki Principle's, and could easily lead to more bloodshed than has already occurred." They reiterated their concern about these reports on February 19, when they announced that the Commission would observe the referendum. On that same day, the U.S. State Department issued a statement after a meeting between the Deputy Secretary of State, Lawrence Eagleburger, and President Izetbegovic, which stated that the United States "would strongly condemn any attempt by any side to use force or intimidation to threaten the territorial integrity of Bosnia-Hercegovina."

Since the situation in his own republic had stabilized somewhat as a result of the ceasefire, Croatian President Tudjman spoke fairly openly on the possible division of the republic, questioning, for example, the validity of its current borders. With the leading Croatian party in Bosnia-Hercegovina, the Croatian Democratic Union, being an offshoot of his own party-in-power in Croatia, Tudjman was reportedly encouraging more radical Croatian elements, especially in western Hercegovina, to work more toward unity with Croatia than remaining in a separate state. The illness and reported resignation of collective-

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6. "Bosnia Officials Fear Yugoslav War Spreading,"*Financial Times*, January 13, 1992.

7. See, *inter alia*: "Secret Talks on Dividing Bosnia Revived in Zagreb," *Financial Times*, January 16, 1992.

presidency member Stjepan Kljuic, a strong proponent of the unity of Bosnia-Hercegovina, as chairman of the HDZ in the republic signalled that what had been a close working relationship between the Muslim PDA and the Croatian HDZ might fall apart. Mate Boban, a Croatian leader from western Hercegovina, seemingly gained in prominence, and paramilitary Croatian defence forces were reportedly deployed in western Hercegovina (estimates of the size of the deployment vary greatly but the figure of 16,000 has been reported). In the weeks prior to the referendum, Croatian leaders had, in fact, sought to have the question in the referendum changed, with a phrase about the possibility of regional autonomy added. Kljuic quickly reemerged as the HDZ head, however, and made his support for the referendum clear. Two days before the referendum President Tudjman reportedly indicated his support for Bosnia-Hercegovina determining its own fate.

Meanwhile, Serbian President Milosevic, known to have significant influence over the SDS in Bosnia-Hercegovina, had imposed an economic embargo on the neighboring republic and was suggesting, through proposals for creating a new Yugoslavia, that Bosnia-Hercegovina remain united in a state with Serbia, Montenegro and possibly Macedonia. On the day prior to the referendum, however, Milosevic gave a surprisingly conciliatory speech in Belgrade, in which he called the war in Yugoslavia over and refrained from making his familiar call for all Serbs to remain together in one state.

In light of the growing friction in Bosnia-Hercegovina caused by outside agitation of extremist elements within both the Serbian and Croatian communities, the European Community resumed its mediating efforts in an attempt to find some compromises that could stabilize the republic as the referendum approached. Of particular importance in this regard was a February 21 meeting in Lisbon, Portugal, of various political figures from Bosnia-Hercegovina. An agreement was reached in which all sides agreed to respect the territorial integrity of the republic within its existing borders. In addition, however, PDA leader and republic President Izetbegovic agreed to the idea of transforming the internal make-up of the republic into three national territorial units—one each for ethnic Muslims, Serbs and Croats—known as the "cantonization" of Bosnia-Hercegovina.[8] While this agreement did not change the position of the SDS regarding the referendum, it did shift somewhat the debate from one of the republic's external status to one of internal composition. At the same time, the concept of forming ethnic sub-units in Bosnia-Hercegovina was highly criticized by many in the republic, especially from the ethnic Muslim community and moderate groups not based on nationality, as demographically impossible and politically ridiculous. While it had the effect of coaxing extremist Serbs and Croats back into the fold, President Izetbegovic was viewed as having had to "walk back" from the agreement subsequent to his return from Lisbon.

Developments in Banja Luka at the same time as the referendum, however, indicated that the Lisbon agreement did not completely remove divisive tendencies in the republic. While the mayor of the town supported the positions of the republic SDS, other local Serbian leaders had formed their own local assembly and, going beyond the party, moved to separate an entire region known called Bosanska Krajina

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8. The idea of cantonizing Bosnia-Hercegovina has been suggested for quite some time. See: "The Future of Bosnia-Hercegovina: A Sovereign Republic or Cantonization?" *Report on Eastern Europe*, Radio Free Europe, July 5, 1991. As one western diplomat was quoted in the *Financial Times* on February 24, 1992: "It appears that every Serb and Croat politician in Bosnia has a copy of the Swiss constitution. They want to see if it is possible to transplant Swiss cantons to Bosnia."

from the remainder of Bosnia-Hercegovina if the referendum were to pass, and to join the remaining, Serb-dominated Yugoslav state. Such a move would have considerable implications for maintaining peace in Yugoslavia, since Bosanska Krajina would provide a geographic link between Serbia and the Serb-inhabited enclave of Kninska Krajina in neighboring Croatia. At the time of the referendum, republic SDS leaders were seeking to bring their rebellious Banja Luka colleagues back into the fold.

Balloting and Counting[9]. As legally required, polling stations were open from 7:00 a.m. to 7:00 p.m. on both Saturday, February 29, and Sunday, March 1. According to reports, a bomb had gone off at a polling station in the village of Bjelo, near Konjic, on the eve of the referendum, causing no injuries but destroying referendum materials. In villages or wards of towns where polling stations were not allowed to open or were not given building sites where they could do so, they were combined with other polling stations. This added greatly to the number of voters registered at some polling stations, but no long voting lines were observed, mostly due to the fact that the referendum was conducted over a two-day period. This was most evident in villages around Banja Luka and Mostar. In Banja Luka itself, one polling committee had to move to a new location because its original location was in a building housing refugees from the conflict in nearby Croatia who, upset over their losses, might disrupt the referendum. Elsewhere, polling stations were opened in private homes.

All voting had to take place at polling stations; there were no provisions for polling committee members to visit, upon request, the elderly or ill who could not come to the polling station. In addition, there were no polling stations abroad for citizens of the republic. Guest workers, therefore, had to return from the country where they worked if they wished to participate in the referendum, and, according to republic sources, well over two-thirds of the more than 80,000 registered as working abroad did so. On the other hand, few of those serving in the military returned home to vote.

For the most part, the voting proceeded smoothly. In many cases, the polling committee, normally consisting of three members with three alternates, had at least one person who had been a member of a polling committee during the 1990 elections. All were appointed volunteers. Some had indicated that there were informal efforts to have individuals from different ethnic backgrounds on a polling committee, where this was possible. The responses to questions from observers indicated that all had been given clear instructions on how to conduct their activities. This included the guarding of the ballot boxes during the night between the two days that the polling stations were open. In most instances, polling committee members spent the night at the polling station. A safe was used by one committee, and frequently local militia kept watch over the station. In one case observed by the Commission, the fire department next to a polling station kept watch, while in another a local museum security guard was given the task. On Sunday, March 1, there were reports of individuals having been outside the polling stations during the night, possibly to disrupt the referendum or perhaps to cause simple mischief, but they did not violate the security of the polling station.

In addition to the foreign observers, observers from the political parties in Bosnia-Hercegovina were permitted to monitor the voting and counting. The Serbian Democratic Party, boycotting the entire referendum proceeding, declined to do so, but at a few locations representatives of the Party for Democratic

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9. This section is largely based on the direct observations of the Helsinki Commission team in Bosnia-Hercegovina. Other foreign observers visiting other locations may have had different observations.

Action were present at the polling station. Although certainly not the fault of the republic authorities, the absence of SDS observers denied the referendum an effective way of being observed closely and at all times by a domestic group concerned about the possibility of a fraudulent result, since the PDA observers were politically aligned to the government holding the referendum. Republic and foreign media personnel were also permitted to visit polling stations throughout the republic.

Most all polling stations had voting booths or the equivalent thereof, and voters generally did take advantage of the opportunity for voting privately and secretly. There were no incidents where people were grouped together with their ballots, and only one incident was observed when a person, despite instructions from the polling committee otherwise, marked his ballot in the presence of the committee and others present at the station. Ballots were generally available in both Latin and Cyrillic script, although in some instances polling stations only had Latin-script versions.

Voter registration lists—the source of considerable irregularities in the republic elections in Yugoslavia, including Bosnia-Hercegovina, in 1990—caused relatively few difficulties, with less than five percent of those who voted in the referendum having to be added to the list. There were few reports of persons unable to get certification of residency from local officials. One notable person absent from the original list was Ejup Ganic, the PDA member of the collective Presidency representing "Other" nationalities, who applied to local officials in Sarajevo and received the certificate allowing him to vote. In some areas, and particularly around Banja Luka, however, polling committee members complained that voter lists were unorganized, possibly due to tampering by officials to remove the names of ethnic Serbs, lengthening the time required for processing voters.

In most areas and especially around Banja Luka, ethnic Serbs appeared to have been supporting the SDS boycott, although in Sarajevo polling committee members said that many people had come whom they personally knew to be Serbs or guessed were Serbs by their names. No polling committee members had indicated that they were aware of anyone outside the polling stations watching to see if which if any Serbs were not supporting the boycott.

At 7:00 p.m. on Sunday, March 1, polling stations closed promptly and the counting immediately began. Polling committees were required to account for all of the ballots in a report, including unused ballots or extras that were given in case of a large number of voters not being registered. The ballots used, the number of which had to match the number of voters on the list indicated to have voted, were divided according to those "for" and those "against," with invalid ballots separated and counted separately. Any ballot which had other than a circle around one of the choices was declared invalid. Because there was only one ballot with only two choices on it, the counting proceeded rather easily and quickly, in contrast to the complicated counting that must take place in elections involving many candidates running for one of several positions and involving numerous ballots for each voter. Once counted, the polling committees forwarded their results to district commissions, which would compile them and forward their results to the Republic Election Commission in Sarajevo.

RESULTS

Of the approximately 3.15 million eligible voters in Bosnia-Hercegovina, 1,997,644 participated in the referendum. Representing 63.4 percent of the total eligible voting population, this meant that the referendum passed the first criteria that a majority of voters had to participate for the result to be valid. The ballot results broke down as follows:

Total Ballots	1,997,644	
Invalid Ballots	5,465	
Valid Ballots	1,992,179	
Voting "For"	1,986,202	(99.7 percent)
Voting "Against"	5,977	(0.3 percent)

The results of referendum therefore clearly endorsed the republic's sovereignty and independence.

The Post-Referendum Political Landscape. The referendum and its results were immediately and almost completely overshadowed by events which began on Sunday, March 1, and developed during the course of that night. On Sunday, during the course of a Serbian Orthodox wedding taking place in the heavily Muslim-populated Bascarsija square in downtown Sarajevo, the father of the bridegroom, carrying a Serbian nationalist flag, was shot dead and the Orthodox priest was wounded, prompting local Serbs, many of them masked, to establish barricades with buses and trucks which blocked all main entrances to the city. The Muslims responded with barricades in the center of the city. Skirmishes at Serbian barricades to the north caused three deaths. Shooting steadily sounded around the city throughout the night and during the next day. A road barricade near the northern town of Doboj was the scene of another death of a motorist by armed Serbs. Barricades were also erected near Banja Luka, where Serbs seized the local television studio.

By the next morning, the blockade of the capital city had turned from spontaneous protests provoked by the wedding incident to an SDS controlled effort. SDS leaders warned republic officials to suspend independence moves and not to attack the barricades. There was no traffic in the city, and most heeded the broadcast request of the government for people to remain at home. The Muslims, now joined by Croats, strengthened their defensive barricades, and the Mulsim "green beret" paramilitary forces were seen publicly for the first time. Activity in the city essentially came to a halt, and a crisis headquarters was established in the Interior Ministry building. Sarajevo officials confessed that the authorities had lost control of the city. The Sarajevo media broadcast messages reminding viewers of the peace that had been kept thus far and appealing to them to use their common sense. The SDS drew up a list of demands, which included the nullification of the referendum, the reorganization of the republic's Interior Ministry and a dividing of the republic media along ethnic lines.

In Washington, the Helsinki Commission joined the State Department and other governments in responding to this situation. Commission Chairman Hoyer and Co-Chairman DeConcini said they "emphatically condemn this action, which can accomplish nothing except to provoke a civil conflict in Bosnia-Hercegovina and set back the democratic development of that republic."

No resolution of the situation occurred on March 2; the only real agreement reached was to allow the international observers of the referendum and other foreigners who wished to leave Sarajevo to proceed in a convoy—under guard of the Yugoslav military, republic militia and EC peacekeeping observers—through

six Serbian barricades blocking the airport from the city and to depart by plane for Belgrade that evening. That night, however, a candle-lit peace march involving an estimated 1,000 individuals led to the lifting of several barricades, although one marcher was killed and two others injured when shot by a barricade guard.

As a result of the lifting of these barricades, the situation in Sarajevo returned as close to normal as it could on March 3, especially in light of the republic government's agreement to respond to those Serbian demands related to the Interior Ministry and the media. Republic officials, on the other hand, rejected demands to nullify the referendum and called for international recognition of the independence of Bosnia-Hercegovina. Tensions remained elsewhere in the republic, and that evening reports of Serbian groups marching on Sarajevo from the nearby town of Pale led Muslim groups in the capital to erect new defensive barricades.

In response, Muslim and Serbian leaders held emergency meetings with local Yugoslav military commanders. The SDS called for military intervention, but President Izetbegovic rejected such a move and the military itself apparently questioned whether it should become involved. Agreement was reached, however, to have joint military and police patrols, with the police consisting of both ethnic Serbs and Muslims. The situation again quieted, although additional deaths were reported in various locations and, on March 3-4, the city of Bosanski Brod on the Sava River-border with Croatia was subjected to a night of mortar attacks. U.N. envoy Cyrus Vance visited Sarajevo on March 5 and, while rejecting the suggestion that peacekeeping forces be sent to Bosnia-Hercegovina in addition to Croatia, expressed concern over the situation in the republic and appealed for calm. There was also a 10,000-strong rally for peace in Sarajevo that day. One week after the referendum, a fragile stability characterized the situation in Bosnia-Hercegovina.

CONCLUSION

The referendum in Bosnia-Hercegovina, in which the majority of that republic's citizens legitimately expressed their desire to be sovereign and independent, was the product of the larger crisis in Yugoslavia that has led to the disintegration of that country and the worst conflict in Europe since World War II. Soon after the referendum was held and the post-referendum situation had stabilized, the United Nations prepared to deploy its peacekeeping forces in Croatia, where fresh fighting in violation of the ceasefire took place around the Slavonian city of Osijek. The EC-sponsored Conference on Yugoslavia reconvened under Lord Carrington on March 9, while anti-Milosevic rallies were held in Belgrade commemorating the violent crackdown on Serbian opposition one year before. The status of Bosnia-Hercegovina, highlighted by the referendum, nevertheless remained a part of the larger Yugoslav question that still has not been answered.

The referendum was held, however, in direct response to the European Community's decision regarding the republic's request for recognition. The holding of the referendum brought Bosnia-Hercegovina closer to the brink of civil conflict, but the political leaders of that republic were able to defuse the volatile situation which erupted in the immediate post-referendum period. A positive international response to the referendum's results therefore seems more than warranted. While there are concerns that international recognition could lead to renewed and even more intense fighting, such recognition could put an end once to all the various claims being made on the republic and its territory, thereby enhancing its stability.

In the end, the prospects for tranquility in Bosnia-Hercegovina will rest on its internal political structure. Pressures currently being applied for cantonization of the republic—i.e., dividing it into three regions for each of the main nationalities—appear to make it the most convenient option. Such a move, however, would likely entail population shifts that would lead to violence, polarize the three main ethnic groups, and, in the end still threaten the territorial integrity of the republic. Moreover, efforts such as dividing the media will most certainly and needlessly set back the democratic development of the republic. The most peaceful and democratic future for Bosnia-Hercegovina appears to be in its development as a unified, secular state in which ethnic identity is protected but is not the basis for political control over the republic's affairs.